

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FREEPLAY MUSIC, LLC,

Plaintiff.

-against -

MAKITA U.S.A., INC.

Defendant.

)
) Civil Action No.: 1:13-cv-5235-JPO
)
)

) **NOTICE OF DEFENDANT**
) **MAKITA U.S.A., INC.'S MOTION**
) **TO DISMISS THE COMPLAINT**
)
)
)
)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Makita U.S.A., Inc.'s Motion to Dismiss the Amended Complaint, Defendant Makita respectfully moves the United States District Court for the Southern District of New York for an order dismissing the Amended Complaint in the above-captioned matter.

Defendant attests that it has complied with Rule 4(B) of this Court's Individual Practices in Civil Cases.

Respectfully submitted,

Dated: October 7, 2013

s/ Benjamin A. Katzenellenbogen

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